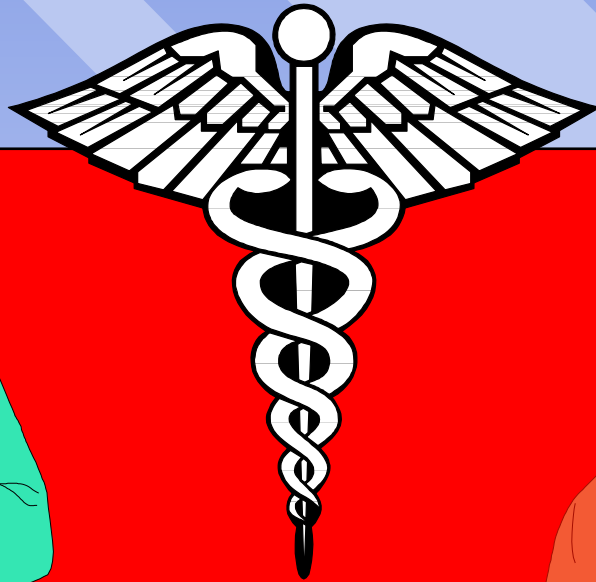




ABSENTEEISM DUE TO SICKNESS



Absenteeism Due to Sickness

- **Sickness in general**
- **CTA II & sickness**
- **How to internally tackle 'sick' problems**
- **The role of the CPO**
- **The Termination due to Sick Absence**

Sickness in General

- What is sickness?
- Sickness is an “unusual condition of body or mind” (= medical definition), “which incapacitates the employee to perform the assigned duties” (= labor law definition).

CONFLICTS ARE PROGRAMMED!

- Sickness in general is a personal related issue, not a behavior related problem. Therefore a sick problem (= *an employee who is quite often sick*) cannot, be solved by a disciplinary action, i.e. a Letter of Counseling or a Letter of Warning.

CTA II & Sickness

As specified in CTA II Article 29 Paragraph 4, each employee has the following obligations in case of being sick:

- o **Immediately notify** the employing organization (= the supervisor or someone, who is in charge) of the unfitness for work.
- o **Provide** the employing organization NLT COB the first work day following the third calendar day since the beginning of his/her unfitness an **appropriate medical certificate** (in justified cases the employee can be directed to present a medical certificate for each day of sickness).
- o **Promptly** (in this sense under consideration of the three-day-period mentioned above) **submit another medical certificate if the sickness exceeds the initially covered period.**

NOTE: Violations against these obligations are behavior related and therefore subject for

How to Internally Tackle Sick Problems

- Strive for and maintain a **healthy work environment and atmosphere**
- **Talk to the employee** and primarily find out if there is a correlation between the sickness and the work place
- If there are **repeated short-term sick absences**, check reassignment possibilities within the employing organization
- If the problem is a **long-term sick absence** and the employee is meanwhile paid by his/her Sick Insurance Company, respectively the servicing Labor Office (= in both cases no costs for the employer!) consider a temporary hire to substitute the absent employee
- **Inform your servicing EMR Specialist at an early stage** about occurring “sick problems”

THE ROLE OF THE CPO

If the sick problem cannot be solved via the aforementioned measures, your servicing EMR Specialist will determine a reasonable/sound approach on the further course of action. This could include:

- Contact the treating physician to get detailed information about the status of the employee.
- If this fails, pursue other alternatives to obtain details and background information.
- Arrange a meeting between management, employee and, if required, a Works Council representatives to discuss the problem and potential solutions/remedial measures.
- Evaluate the possibilities for a 'CHANGE IN EMPLOYMENT CONDITIONS' (is a must!).
- As "ultima ration" initiate and monitor an ordinary notice termination → IMPORTANT: A high sick absence rate alone does not, repeat not justify a termination action, e.g. there are three (3) prerequisites or legal requirements!

The Ordinary Notice Termination Due to Sick Absence

PREREQUISITE #1

High Sick Absence Rate

- Based on experience and as a thumb rule, a sick absence rate of between 20 - 30 % is to be considered “high” (depending on the “importance” of the position)
- Statistics have to be delivered by the employing organization, e.g. the collection of data is very important
- Absence rates have to be adjusted, e.g. only work days on which the employee has been sick are to be counted
- Time frame should cover as a minimum 1-2 years, better 3 - 4 years

The Ordinary Notice Termination Due to Sick Absence

PREREQUISITE #2

Negative Future Prognosis

- The future prognosis must be negative and will be basically requested from the treating physician
- Problem: Cooperation of the employee is required → if he/she refuses to cooperate → extrapolation (= what happened in the past, will continue in the future)
- Cure/Rehabilitation measures must be considered (if they do good, problem is solved, if not, the reason for a termination raises up)
- The work environment must be considered here, i.e. does it negatively impact the employee's health status, hinder the recovery, increase the risk for sickness, etc.

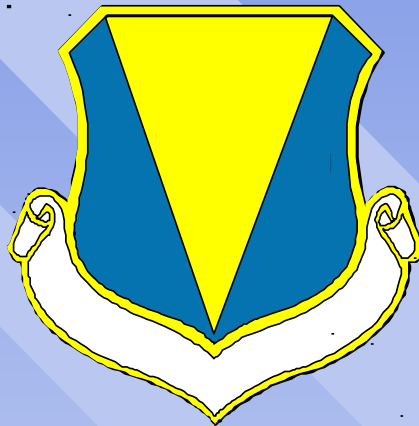
The Ordinary Notice Termination

Due to Sick Absence

PREREQUISITE #3

Negative Operational Im

- Is one of the most critical factors, because depending on the circumstances, this is eventually difficult to determine or justify
- Input can only come from the organization, therefore start early enough to document
- Be as specific as possible while defining the negative operational impact, i.e. how much OVERTIME had to be worked, what delays occurred, etc.
- Is the FLOW OF THE OPERATION hindered or otherwise negatively impacted?
- How is the relation EARNINGS to WORK, e.g. how much continued payment of salary costs does the employer have “without receiving something back”?



In case of questions concerning the treatment of sick absenteeism call your servicing EMR-Specialist.